

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 16, 2006- KL

Division: County Attorney

Bulk Item: Yes ☐ No ☒

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING: Presentation of settlement agreement in Walgreens & Gadinsky v. Monroe County and Florida Keys Citizen's Coalition (Intervenors), CA K 05-266.

ITEM BACKGROUND:

The proposed settlement agreement would settle an appeal to the Circuit Court from a denial of a major conditional use application by Walgreens to replace the Big Pine Scott's building (@ 26,000 square feet) with a new, smaller building (@ 16,510 square feet) for a Walgreen's store. As part of the settlement proposal, Walgreen's has agreed to several concessions which are set forth in the attached settlement agreement. If the County were to prevail in court, Walgreen's would still have the right to renovate the existing Scotty's building to operate a drug store. The details of the settlement agreement were presented and discussed with the Board on 4/19/06 at which time the Board directed staff to revise the settlement agreement after meeting with the parties to the litigation. Although no meeting had been held by the agenda deadline, it is anticipated that such a meeting will be held by 5/16/06.

PREVIOUS RELEVANT BOCC ACTION: On September 28, 2005, the Board directed legal staff to explore a mediated settlement. The Board gave conceptual approval to the settlement terms in January 2006. On 4/19/06 Board tabled this item until 5/16/06.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS: To be provided at the 5/16/06 meeting.

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☒ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL: Suzanne A. Hutton 4/28/06
SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included ☐ Not Required ☒

DISPOSITION: _____
Revised 2/05

AGENDA ITEM # _____